

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
ISPH-0585

Total Pages in this Submission

**TO THE ASSISTANT COMMISSIONER FOR PATENTS****Box Patent Application  
Washington, D.C. 20231**

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**ANTISENSE MODULATION OF SURVIVIN EXPRESSION**

and invented by:

**C. Frank Bennett  
Eric E. Swayze  
Elizabeth J. Ackermann  
Lex M. Cowser**If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☒ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 09/496,694

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 09/286,407

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 09/163,162

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 73 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☐ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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## Application Elements (Continued)

3. ☐ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☐ Formal      b. ☐ Informal      Number of Sheets \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☐ Newly executed (original or copy)      ☒ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☒ Genetic Sequence Submission (if applicable, all must be included)
- a. ☒ Paper Copy
- b. ☒ Computer Readable Copy
- c. ☒ Statement Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

8. ☐ Assignment Papers (cover sheet & documents)
9. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class      ☒ Express Mail (Specify Label No.): EL 792267253 US

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**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☐ Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_
17. ☒ Additional Enclosures *(please identify below)*:

US PTO Credit Card Payment Form  
Return postcard

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

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## Fee Calculation and Transmittal

### CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	15	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	6	- 3 =	3	x \$40.00	\$120.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$355.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$475.00

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **50-1619** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: July 30, 2001

*Jane Massey Licata*

Signature

Jane Massey Licata  
Registration No. 32,257



26259

PATENT TRADEMARK OFFICE

CC:

ISPH-0585

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No. **EL 792267253 US**

Date of Deposit **July 30, 2001**

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the "BOX SEQUENCE", Assistant Commissioner for Patents, Washington, D.C. 20231.

- 1) Patent Application Transmittal Letter (2 copies);
- 2) Application consisting of seventy-three (73) pages of Specification, including two (2) pages of claims, and one (1) page of Abstract;
- 3) U.S. PTO Credit Card Payment Form authorizing payment of \$475.00 for the filing fee;
- 4) Unexecuted Declaration and Power of Attorney;
- 5) Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825;
- 6) Sequence listing;
- 7) Diskette containing computer readable copy of Sequence Listing; and
- 8) Return postcard.

Jane Massey Licata  
JANE MASSEY LICATA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: ISPH-0585  
Inventors: Bennett et al.  
Serial No.: Not yet assigned.  
Filing Date: Herewith  
Examiner: Not yet assigned.  
Group Art Unit: Not yet assigned.  
Title: ANTISENSE MODULATION OF SURVIVIN  
EXPRESSION

"Express Mail" Label No. EL 792267253 US  
Date of Deposit -July 30, 2001

I hereby certify that this paper is being deposited with  
the United States Postal Service "Express Mail Post Office  
to Addressee" service under 37 CFR 1.10 on the date  
indicated above and is addressed to the Assistant Commissioner  
for Patents, Washington, D.C. 20231.

By Jane Massey Licata  
Jane Massey Licata, Registration No. 32,257

**BOX SEQUENCE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE  
WITH 37 C.F.R. §§ 1.821 THROUGH 1.825**

- (XX) I hereby state, in accordance with the requirements of 37  
C.F.R. § 1.821(f), that the contents of the paper and  
computer readable copies of the Sequence Listing, submitted  
in accordance with 37 CFR § 1.821(c) and (e), respectively  
are the same.
- ( ) I hereby state that the submission filed in accordance with  
37 CFR § 1.821(g) does not include new matter.

- ( ) I hereby state that the submission filed in accordance with 37 CFR § 1.821(h) does not include new matter or go beyond the disclosure in the international application as filed.
- ( ) I hereby state that the amendments, made in accordance with 37 CFR § 1.825(a), included in the substitute sheet(s) of the Sequence Listing were made merely to conform with the current Sequence Listing rules. I hereby state that the substitute sheet(s) of the Sequence Listing does not include new matter.
- ( ) I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR § 1.825(b), is the same as the amended Sequence Listing.
- ( ) I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR § 1.825(d), contains identical data to that originally filed.

Respectfully submitted,

*Jane Massey Licata*

JANE MASSEY LICATA  
Registration No. 32,257

Date: July 30, 2001

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